



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ROBERT N. CROUSE
MYERS BIGEL SIBLEY & SAJOVEC
POST OFFICE BOX 37428
RALEIGH, NC 27627

COPY MAILED

JUN 29 2004

OFFICE OF PETITIONS

In re Application of
Scott L. Vance
Application No. 10/699,048
Filed: October 31, 2003
Attorney Docket No. 9314-55

:
:
: DECISION GRANTING PETITION
:
:

This is a decision on the petition under 37 CFR 1.10(c) filed April 5, 2004, requesting that the above-identified application be accorded a filing date of October 31, 2003, instead of the presently accorded date of November 3, 2003.

Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on October 31, 2003. In support, petitioners provide, *inter alia*, a copy of the Express Mail label, receipt No. EV31841770US. The same Express Mail receipt number was referred to in the original transmittal letter found in the application file. It is noted that while the "date in" on the copy of the Express Mail label is blank, the label includes an official USPS notation in the form of an USPS receipt stamp dated November 21, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 31, 2003.

The petition is granted.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **October 31, 2003** and for issuance of a corrected filing receipt.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220.
Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects